Mr. Thomas Manjuran.—I rise to move the following amendment.—

"Delete paragraph 5 of the Bill and substitute for it the following.—

'In section 39 of the said Regulation after the words 'shall be' the words 'any cultivation of the hemp or coca plant or' shall be inserted". It is only an attempt to correct a slight error in the original bill. It happens unfortunately that in various editions of the regulation this word 'be' occurs in various lines, in some it is in the third line and in some it is in the fourth line. Government thought that it would be more specific if the words occurring on either side are inserted. I request that the amendment may be passed.

Mr. P. V. Subramania Ayyar.—I second it.

Amendment put and carried

Mr. Thomas Manjuran.—I move that the Bill as amended may be taken up and passed on Wednesday.

Mr. P. V. Subramania Ayyar.—I second it.

Motion put and carrrried.

The Rubber Control Bill.

Mr. Thomas Manjuran.—I rise to present the Select Committee Report on the Rubber Control Bill and move that the Bill be taken into consideration. The reason why this Bill which was reported on by the Select Committee was kept in abeyance till now, can be easily gleaned from the Report of the Select Committee itself. The Report states as follows.—

Paragraph 6. 'On a careful consideration of the evidence collected by us and all the circumstances relevant to the issue, we have no hesitation to hold that the acceptance by Cochin of the unfair and meagre quota granted to India, would rather than promote the welfare of the rubber planters of the State, in all probability, stifle most of them and particularly the smaller planters. We firmly believe that Cochin has a strong case for revision of the quota and do hope that, if strong representations are made to the Government of India, matters are likely to be got rectified. In any case, we would recommend that the hands of the Cochin Planters should not be tied down by legislation unless and until a fair quota has been conceded to them. We may mention here that, after a careful consideration of the facts and

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figures supplied to us, we have accepted the following recommendation of the Indian Licensing Committee as fair:—

Quota for 1934	..	11,000 tons.
Do. 1935	..	12,500 tons.
Do. 1936	..	12,500 tons.
Do. 1937	..	12,500 tons.
Do. 1938	..	13,500 tons.

According by the Bill was kept in abeyance. Recently however the Indian quota has been substantially revised and practically the figures proposed by the Select Committee have been accepted as the quota for India Whereas we had something less than 8,000 tons as our quota for 1935, we have obtained 12,500 tons now which is the figure mentioned by the Select Committee. Now that a largely enhanced quota has been conceded, there is absolutely no objection to the passing of the measure which would have been passed long ago but for the inadequacy of the quota. I understand that it is necessary that the measure should be brought into effect soon as the Hon'ble Member for Planters told us just now, and I would request that without any loss of time the Bill may be passed into Law. No doubt the Select Committee which reported on this Bill was the Select Committee of the last Council. But since the claims of the Planters have been adequately met and since any loss of time will mean considerable trouble, I do hope that the members will expedite the Bill and pass the measure into law. This statement will, I hope, also satisfy the Hon'ble Member who has submitted an amendment that the Bill may be recommitted. I do hope that since the Planting community is satisfied that this Council also will be satisfied.

Mr. P. V. Subramania Ayya—I second it.

Mr. A. Narayana Menon.—In the light of the explanation given by the Hon'ble Member, I do not wish to move the amendment.

Amendment was considered withdrawn.

Motion put and carried.

The following clauses of the Bill were put and carried.

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THE COCHIN RUBBER CONTROL.

Whereas it is considered expedient, in co-operation with the Government of India in the rubber restriction scheme adopted by them, to provide for the control of the export of rubber from Cochin and for the control of stocks and of the extension of cultivation of rubber in Cochin; it is hereby enacted as follows:—

Preamble.

CHAPTER I.

PRELIMINARY.

1. (1) This Regulation may be called the Cochin Rubber Control Regulation, of 1111.

Short title, extent and commencement.

(2) It extends to the whole of Cochin.

(3) It will come into force on such day as the Government may, by notification in the Cochin Government Gazette, appoint.

(4) It will remain in force until the 31st day of December 1938.

2. (a) "Licensing Committee" means the Rubber Licensing Committee for India (excluding Burma) to be constituted by the Government of India in pursuance of the Indian Rubber Control Scheme and to be notified by the Government in the Cochin Government Gazette to be such.

Definitions.

(b) "Export overseas" means export by sea from Cochin to any place outside Cochin other than the French and Portuguese Settlements bounded by British India.

(c) "Rubber plant" means and includes plants, trees, shrubs or vines or any of the following:—

(i) Heve Brazilliensis (Para rubber)
(ii) Mani Glaziovii (Cera rubber)
(iii) Castilloa elastica
(iv) Ficus elastica

(v) Any other plant which the Government may notify in the Cochin Government Gazette as a rubber plant for the purpose of this Regulation.

(d) "Rubber" means and includes

(i) Rubber prepared from the leaves, bark or latex of any rubber plant, and the latex of any rubber plant whether fluid or coagulated, in any stage of the treatment to which it is subjected during the process of conversion into rubber, and latex in any state of concentration; and

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(ii) all articles and things manufactured wholly or partly of rubber.

(e) "Re-planting" or "Re-plant" means planting of more than thirty rubber plants on each acre or seventy-five rubber plants on each hectare of any area carrying rubber plants at the date of the commencement of this Regulation.

(f) "Owner" means and includes the proprietor, occupier or person in the possession or in charge of a holding or such persons as is in the opinion of the Licensing Committee the Manager or Agent of or entitled to act for or on behalf of such proprietor, occupier or person.

CHAPTER III.

CONTROL OVER THE EXPORT OF RUBBER.

3. This chapter does not apply to

Exclusion of certain kinds of rubber from the operation of this chapter.

(a) rubber imported into Cochin, from any part outside Cochin or

(b) rubber shipped as ship's stores.

4. (1) During the period for which this Regulation is in force no rubber shall be exported overseas from Cochin unless covered by a license issued by the Licensing Committee and no rubber shall, during the same period, be exported by land or sea from Cochin to any of the French or Portuguese Settlements bounded by British India unless covered by a permit issued by the Licensing Committee.

Method of control.

(2) No leaves, flowers, seeds, buds, twigs, branches, roots or any living portion of the rubber plant that may be used to propagate it shall be exported overseas from Cochin during the aforesaid period.

5. The export quota of each rubber estate in Cochin for each year during the aforesaid period shall be as determined by the Licensing Committee and the decision of the Licensing Committee with regard to such quotas shall be final. Application for the grant of quotas shall be made by the owners of the estates concerned to the Licensing Committee. Such applications shall be in proper form and in proper time as may be prescribed by the Government of India or the Licensing Committee or both in the connection.

Export quotas of rubber estates.

5. (1) Owners of rubber estates to which quotas have been allotted by the Licensing Committee for any year may apply for and obtain from the Licensing Committee export licenses up to the amount of the quota allotted. Such applications shall be in proper form and in proper time as

Grant of export licenses.

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may be prescribed by the Government of India or the Licensing Committee or both in the connection.

(2) Owners of rubber estates shall have the right to transfer the whole or any part of their allotted quotas subject to the sanction of the Licensing Committee and the transferee shall have the right, by applying in the manner referred to above in sub-section (1), to obtain export licenses up to the amount covered by the transfer.

Grant of special licenses.

7. If the rubber covered by the export license has not been exported overseas before the end of the year in which the license is issued the owner or transferee to whom the license is granted shall have the right to apply for and obtain special licenses from the Licensing Committee to export the un-exported portion of the rubber covered by the license during such period in the succeeding year as may be prescribed for in the connection by the Government of India. Such applications shall be in proper form and in proper time as may be prescribed by the Government of India or the Licensing Committee or both in the connection.

Shipment of rubber only on production of export license.

8. (1) No consignment of rubber shall be shipped for export overseas from Cochin until the owner or transferee has delivered to the Excise Commissioner a valid export license or special license in dulplicate granted by the Licensing Committee covering the quantity to be shipped.

(2) No consignment of rubber shall be shipped for export to any of the French or Portuguese Settlements bounded by British India until the owner or transferee has delivered to the Excise Commissioner a permit granted for that purpose by the Licensing Committee covering the quantity to be shipped.

Jurisdiction of courts of law excluded.

9. No quota fixed or any order granting or refusing to grant any licenses or permit under this chapter shall be called in question in any court of law.

CHAPTER III.

CONTROL OVER THE EXTENSION OF RUBBER CULTIVATION.

Extension of planting.

10. So long as this Regulation remains in force no one shall plant rubber plants on any land in Cochin which is not planted with rubber at the time this Regulation comes into force, or re-plant any area carrying rubber plants at such time, except in pursuance of a written permission granted by or on

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behalf of the Licensing Committee. Applications for such permissions should be primarily made to the Licensing Committee Orders passed by that Committee on the applications shall be subject to appeal to the Government, and no orders passed by the Licensing Committee or the Government, under this section, shall be questioned in a court of law.

Stocks of rubber to be limited.

11. So long as this Regulation remains in force no owner of an estate shall have in his possession or under his control stocks of rubber exceeding 20 per cent of the quantity of rubber wholly grown and produced and removed from his holding during the previous twelve months, or alternatively, an amount equal to twice the quantity he is entitled to export during a month.

Certain powers of the Licensing Committee.

12. (1) The Licensing Committee shall have power to call for returns from the owners of rubber estates relating to the production, sale and export of rubber and also relating to the cultivation or stocks of rubber.

(2) Any Member of the Licensing Committee or any officer authorised by it shall have the power to inspect any rubber estate, and to require the owner of the estate to produce his records relating to cultivation or the holding of stocks.

Levy of certain fees by the Licensing Committee.

13. Applicants for export license special licenses, permits or for certified copies of quota account shall be liable to pay the Licensing Committee such fees as are fixed by that Committee in pursuance of the powers conferred on it by the Cochin Government.

CHAPTER IV.

PENALTIES AND PROCEDURE.

Illicit export.

14. Whoever in contravention of the provisions contained in sub-sections (1) and (2) of section 8 of this Regulation ships or attempts to ship for export any consignment of rubber shall be punishable with a fine which may extend of Rs. 1,000 for the first offence and with a fine which may extend to Rs. 1,000 for any subsequent offence. The cargo of rubber so shipped or attempted to be shipped shall also be liable to confiscation by the Court or by the Excise Commissioner or by any one generally or specially empowered by him.

Illicit cultivation or holding of stock.

15. Whoever plants or re-plants or causes to be planted or re-planted rubber in any land in contravention of section 10 or whoever possesses rubber stocks in excess of the quantities detailed in section 11 of this Regulation shall be liable to be punished with a fine which may extend to Rs. 1,000 for the first offence and with a fine which may extend to Rs. 1,000 for any subsequent offence.

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16. Whenever a person has been convicted of an offence under section 15, the convicting court shall be empowered to direct that rubber plants planted in contravention of section 10 be removed from the land or that rubber stocks held in contravention of the provisions of section 11 be destroyed within a prescribed time and in the event of the order not being complied with such court shall be empowered to remove the rubber plants and destroy the rubber stocks and to collect from the person convicted the cost of effecting the removal or the destruction as if it were arrears of land revenue due from the estate on which the offence was committed.

Removal of rubber plants planted without permission or illicit stocks.

17. Any owner of a rubber estate furnishing information under section 12, sub-section (1) of this Regulation which contains false particulars and which he knew to be false or did not believe to be true shall be punishable with a fine which may extend to Rs. 1,000.

False returns.

18. Whoever obstructs any member of the Licensing Committee or any officer appointed by that Committee from entering upon or inspecting the lands of any rubber estate under section 12, sub-section (2) of this Regulation or refuses or fails to produce records relating to the culitvation of rubber plants or the holding of rubber stocks when required to do so under that section shall be punishable with a fine which may extend to Rs. 1,000.

Obstructing Inspection of rubber estates.

19. No Magistrate other than District Magistrate or a special first class Magistrate to whom the case is transferred for trial by the District Magistrate shall take cognisance of an offence under sections 14, 15, 17 and 18 of this Regulation and such Magistrate shall take cognisance of such offence only on a complaint made by a person authorised by the Licensing Committee in this behalf, and with the previous sanction of the Government.

Jurisdiction of Magistrates.

20. Every prosecution under this Regulation shall be tried as a summons case and the procedure prescribed in the Cochin Code of Criminal Procedure with regard to the trial of summons cases shall be followed in such prosecutions.

Cases to be tried as summons cases.

CHAPTER V.

GENERAL.

21. The Government may, by notification in the Cochin Government Gazette, frame rules consistent with this Regulation, to carry out the purposes thereof generally.

Government's power to make rules.

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Mr. Thomas Manjuran.—I beg to move that the Bill may be taken up and passed on Wednesday.

Mr. P. V. Subramania Ayyar.—I second it.

Motion put and carried.

The Cochin Coffee Cess Bill.

Mr. Thomas Manjuran.—Sir, I beg to introduce the Cochin Coffee Cess Bill. The statement of objects and reasons attached to the Bill explains itself and the very first sentence thereof may be allowed to be read— "The Government of India have, in consultation with the Governments of Madras, Coorg, Mysore, Travancore and Cochin and in accordance with the desire expressed by a preponderating majority of the Indian coffee growers, resolved that a coffee cess should be introduced with the object of providing funds for the improvement and development of the Indian Coffee industry". Now, it is obvious that in these highly competetive days it is necessary to foster the industry by undertaking research. The planters concerned and the Governments in whose territories the planting interest exists have practically unanimously appealed to the Government of India that some such body as the Coffee Cess Committee should be constituted and a very small cess should be collected for financing that committee and the work of research, etc. The maximum cess that is proposed is only Re. 1 per Cwt; whereas as a matter of fact the cess that is actually collected is 8 annas which works at only 1 p per pound. The industry is practically unanimous that some such committee should be constituted. It is absolutely an uncontroversial matter and it is an urgent matter. The Committee has already started functioning and the matter is urgent. The Bill is an adaptation of the British Indian Bill which was passed by the British Indian Assembly without any controversy. I would submit that this Bill is urgently required and is introduced in the best interests of the Coffee industry. We have a small industry, as the Hon'ble Members are aware — the Nelliampathy Coffee Estates—that requires this help.

Mr. H. J. Walmesely.—I support this Bill and hope all the Hon'ble Members of the House will do likewise. It is an attempt by an agricultural industry to help itself and is therefore well worthy of support.

Before the War half the coffee consumed in Great Britain came from India and this proportion has now fallen to 9 per cent. The fall off is due to the well managed advertising propa-

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